
Appeal Decision

Site visit made on 29 March 2017

by David Walker MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd May 2017

Appeal Ref: APP/T5720/W/16/3165950
84 Mostyn Road, London SW19 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Philip Greenhalgh against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P2484, dated 15 June 2016, was refused by notice dated 3 November 2016.
 - The development proposed is demolition of existing garage and its replacement with a single storey and basement one bedroom house on land to the rear of 84 Mostyn Road.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Philip Greenhalgh against the Council of the London Borough of Merton. This application is the subject of a separate Decision.

Main Issues

3. The main issues in the appeal are the effect of the proposal on:
 - i) the character and appearance of the area, and
 - ii) the living conditions of the occupants of neighbouring properties having regard to privacy, noise and disturbance

Reasons

Character and appearance

4. The appeal site is a plot of land with a single garage and access onto Kenley Road. It has previously formed part of the garden to No 84 and is located in a small grouping of garages and outbuildings serving other properties along Mostyn Road. The immediate vicinity has a distinct character from its transitional role between the rears of properties along Mostyn Road and the regular pattern of housing along Kenley Road.
 5. Within this collection of outbuildings the proposal would introduce a new detached dwelling. Although small for a dwelling it would be much larger than the existing structures which have a scale ancillary to the houses they are intended to serve. It would also be clearly dwelling-like in appearance with a parking frontage and large upper floor windows that would contrast with the
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utilitarian design of the outbuildings. While the existing outbuildings have little architectural merit they have a neutral effect in the character of this part of Kenley Road. The introduction of a dwelling would appear at odds resulting in a harmful effect on the character and appearance of the area.

6. I acknowledge that the proposed dwelling would have reasonable access to facilities and public transport, and would deliver a satisfactory standard of accommodation. However, the harm I have identified would be environmental harm under the three dimensions to sustainable development described within the National Planning Policy Framework (the Framework). Whether or not the appeal site amounts to previously developed land the environmental harm would not be reduced. The proposal cannot therefore amount to being a sustainable development under the terms of the Framework.
7. I conclude that the proposal would have a harmful effect on the character and appearance of the area. As a result it would conflict with the requirement for development to respect local context and enhance local character, with regard to the massing of surrounding buildings and existing street patterns, of Policies CS 13 and CS 14 of the Merton Core Planning Strategy 2011, Policy DM D2 of the Merton Sites and Policies Plan 2014 (SPP), and Policy 7.4 of the London Plan (LP).

Living conditions

8. While sufficient separation distances exist to prevent unwanted overlooking in the existing houses, rear facing first floor windows would be orientated towards the garden of No 84. Such an arrangement would facilitate views over neighbouring gardens. It would create opportunities for the overlooking of private areas that do not exist at present.
9. Although the existing gardens are generous in length, and only a small degree of outlook would be affected, any potential for overlooking would lead to a diminution of privacy that would be harmful to living conditions. Given the proximity of the appeal site to Kenley Road, and the potential for domestic activities within the existing land and buildings of the area, harmful levels of noise and disturbance are unlikely to arise.
10. However, the harmful effect on living conditions would conflict with the requirements of Policies DM D2 of the SPP and 7.6 of the LP to ensure quality in living conditions and adequate privacy.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR